
OLR Bill Analysis

sSB 445 (File 461, as amended by Senate "A")*

AN ACT CONCERNING CERTAIN RECOMMENDATIONS OF THE TASK FORCE ON THE SALE OF CATS AND DOGS FROM INHUMANE ORIGINS AT CONNECTICUT PET SHOPS.

SUMMARY:

This bill makes various changes to the pet shop licensee statutes. It:

1. requires the Department of Agriculture (DoAg) commissioner to develop a standard of care applicable to in-state dog and cat breeders (§ 1);
2. prohibits pet shop licensees from purchasing or selling dogs or cats from breeders who have violated U.S. Department of Agriculture (USDA) animal welfare regulations and increases the fine for violating related requirements (§ 4);
3. increases the amount of money a pet shop licensee must reimburse a customer for veterinarian expenses incurred to treat a dog or cat that becomes ill shortly after purchase from the shop (§ 2);
4. requires a pet shop licensee to post certain USDA inspection reports for breeders of any dog offered for sale (§ 3); and
5. eliminates the attorney general's role in collecting civil penalties from pet shop licensees violating state law, allowing the DoAg commissioner to fine the licensees directly (§§ 2 & 3).

The bill also requires the DoAg commissioner to report to the Environment Committee, by January 1, 2015, any legislative recommendations for (1) pet shop licensure and (2) enforcement of pet shop laws and regulations (§ 5).

*Senate Amendment "A" replaces the original file with similar

provisions. Compared to the original file, the amendment:

1. expands the pet shop limitation on breeders to all breeders and other entities from which a pet shop licensee purchases dogs or cats;
2. increases, from \$500 to \$1,000, the fine for purchasing dogs or cats from breeders who have violated USDA animal welfare regulations and eliminates the possible imprisonment penalty;
3. limits reimbursement of veterinarian expenses under the pet lemon law based on the animal's purchase price;
4. specifies that consumers may seek help from the DoAg commissioner if a pet shop licensee fails to reimburse veterinarian expenses as required;
5. decreases, from \$500 to \$250, the fine for a pet shop licensee that fails to post a customer rights statement concerning the pet lemon law;
6. (a) limits, to the prior two-year period, the USDA inspection reports for breeders that pet shop licensees must post and (b) decreases, from \$500 to \$250, the fine for not posting the reports; and
7. makes other minor and technical changes.

EFFECTIVE DATE: October 1, 2014

§ 1 — STANDARD OF CARE FOR BREEDERS

The bill requires the DoAg commissioner, by December 31, 2014, to prescribe the standard of care that breeders must provide to dogs and cats. The standards apply to anyone who (1) keeps 10 or more unneutered or unspayed dogs capable of breeding or (2) owns or operates a breeding cattery. The standards must be consistent with the standard of care animal importers must provide for imported animals, which the commissioner prescribes.

By law, a town may require a dog breeder (i.e., a person who keeps 10 or more unneutered or unspayed dogs capable of breeding) to apply to the town clerk for a license. Under the bill, the DoAg commissioner or an animal control officer (ACO) may inspect such a breeding facility to determine if it is complying with the standard of care applicable to breeders. By law, the commissioner or ACO may already inspect the facilities to determine if (1) they are being maintained in a sanitary and humane manner or (2) a communicable disease or other unsatisfactory condition exists.

By law, if the commissioner determines that a breeding facility is noncompliant, he may (1) issue orders requiring the conditions to be corrected and (2) quarantine the premises and animals. If the facility's owner or keeper does not comply with the commissioner's orders, the commissioner may recommend that the town revoke or suspend the facility's license. The bill extends these provisions to the standard of care requirements.

By law, anyone operating a breeding facility after a town license has been revoked or suspended is subject to a fine of between \$50 and \$100.

§ 4 — PET SHOP LIMITATION ON BREEDERS

The bill limits the breeders from whom a Connecticut pet shop can purchase dogs or cats by prohibiting them from purchasing dogs or cats from breeders who have violated USDA animal welfare regulations. It also prohibits pet shop licensees from selling or offering for sale any dog or cat purchased from a breeder that does not meet the bill's heightened requirements.

Under current law, a pet shop licensee must purchase dogs or cats from breeders or other entities located outside of Connecticut who possess a current license from the USDA and any applicable state agency. The bill instead requires breeders or other entities, regardless of their location, to possess current USDA and state licenses. In addition, it requires that pet shop licensees purchase dogs or cats from a licensed breeder who, during the two-year period before the

purchase, has not committed (1) a direct violation of USDA pet-dealer regulations or (2) three or more indirect USDA violations relating to the health or welfare of an animal (see BACKGROUND).

The bill increases, from up to \$100 to up to \$1,000, the fine associated with violating (1) the breeder or other entity requirements or (2) a requirement that pet shop licensees have, for each dog sold or offered for sale, a certificate of origin identifying the breeder's name and address. By law, each day of a continuing violation is a separate offense. The bill also eliminates a possible penalty of up to 30 days in prison for violating the requirements.

§ 2 — PET LEMON LAW

Reimbursement of Veterinarian Expenses

The bill increases the amount of money a pet shop licensee must reimburse a customer for amounts spent on veterinarian services and medications to treat an ill animal. Under current law, the licensee must reimburse a customer up to \$500. The bill instead requires the licensee to reimburse the value of the actual services and medications provided to the animal, but the reimbursement is limited to (1) the purchase price of the animal if it was purchased for \$500 or more and (2) \$500 if the animal was purchased for less than \$500.

By law, pet shop licensees must reimburse a customer for veterinarian expenses incurred for a dog or cat that (1) within 20 days after sale, becomes ill or dies of an illness that existed at the time of sale or (2) within six months after sale, is diagnosed with a congenital defect that adversely affects its health. At the customer's option, the pet shop licensee must instead replace the animal or refund the animal's purchase price.

If a licensee fails to reimburse a consumer in accordance with the pet lemon law, the bill specifies that the consumer may seek help from the DoAg commissioner.

Penalty

Pet Lemon Law. The bill allows the DoAg commissioner to fine a

pet shop licensee who violates the pet lemon law or a related requirement up to \$500. It eliminates the need for the commissioner to ask the attorney general to sue such a pet shop licensee in order to recover a forfeiture of up to \$500 per affected animal. The bill specifies that a fine assessed for failing to reimburse a consumer does not preclude, and is not in lieu of, the reimbursement.

By law, the sanction applies to any violation of the (1) pet lemon law or (2) requirement that a pet shop licensee, (a) before offering a dog or cat for sale, and every 15 days until the animal is sold, have the animal examined by a Connecticut-licensed veterinarian and (b) maintain a record of the veterinary services provided each dog and cat offered for sale.

Customer Rights Statement. The law requires a pet shop licensee to post a customer rights statement regarding the pet lemon law. The bill decreases, from \$500 to \$250, the fine for failing to do so.

§ 3 — POSTING INFORMATION

USDA Inspection Reports

The bill requires a pet shop licensee to post the USDA inspection reports from the prior two-year period for the breeder of any dog offered for sale. The reports must be (1) posted next to or near the dog's cage and (2) made available to any patron, regardless of whether the patron purchases the dog. Under the bill, a violator is subject to a fine of up to \$250.

Required Signage Penalty

The law requires pet shop licensees to post a sign on the cage of each dog offered for sale indicating the dog's breed, where the dog was born, and any identification number on the official veterinary inspection certificate from the state of origin. Pet shop licensees must also post a sign that (1) includes DoAg's telephone number for receiving complaints about diseased or disabled animals and (2) states:

The following information is always available on all our puppies: date of birth, the state of birth, breed, sex and

color, the date the pet shop received the puppy, the names and registration numbers of the parents (for AKC registerable puppies), record of inoculations and worming treatments and any record of any veterinary treatment or medications received to date.

The bill decreases, from \$500 to \$250, the fine the DoAg commissioner may impose on a pet shop licensee who violates these signage requirements. It also eliminates the need for the commissioner to ask the attorney general to sue such a pet shop licensee in order to recover a forfeiture.

BACKGROUND

USDA Violations

USDA-licensed breeders must comply with standards of care outlined in federal regulations under the Animal Welfare Act. These standards set minimum requirements for humane handling, shelter, space requirements, feeding, watering, sanitation, and veterinary care, among other things. To ensure breeders comply with the requirements, USDA inspectors perform compliance inspections. The USDA classifies regulatory violations into two categories: direct and indirect. Direct violations generally involve serious deviations from the applicable standards of care, resulting in unhealthy or ill animals. Indirect violations cover a wider range of indiscretions, including violations that (1) affect an animal's health or welfare and (2) administrative deficiencies that do not affect an animal's health or welfare.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/21/2014)